

REMARKS

Claims 1-14 are pending in the present patent application. The Examiner has rejected claims 1-14. Applicant hereby amends claims 1-9 and 12-14. Applicant respectfully requests reconsideration and re-examination of claims 1-14 in view of at least the following remarks.

Applicant notes, from line 4a of the Office Action Summary, that the Examiner has inadvertently identified claims 1-14 as being withdrawn from consideration. Applicant states for the record that claims 1-14 have not been withdrawn from consideration, as evidenced by the consideration given in the present action.

I. Objection to the Drawings Is Obviated

The Examiner has objected to the drawings because "the designation 1/8, 2/8, etc. included on the top of each drawing page is improper." Concurrently herewith, Applicant is submitting proposed drawing corrections to obviate the Examiner's objection.

II. Objection to the Specification Is Traversed

The Examiner has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter, specifically, the "vendor operator" recited in claim 4. Applicant notes that "vendor operator" appears in the specification at page 5, line 22, and is synonymous with the term, "vendor," used elsewhere in the specification. Applicant has amended claim 4 to recite

"vendor." The Examiner's objection is therefore traversed. It is believed that this amendment does not affect the scope of the claim.

### III. Claim Rejections Under 35 U.S.C. § 112 Are Traversed

The Examiner has rejected claim 3, stating that it is unclear whether the phrase "one or more merchants" refers to the same "one or more merchants" recited in claim 1. Applicant has amended claim 3 to recite "at least one of said one or more merchants," with antecedent basis provided by the "one or more merchants" introduced in claim 1. Thus, the Examiner's rejection of claim 3 under 35 U.S.C. § 112 is traversed.

The Examiner has rejected claim 5, stating that it is unclear whether the phrase "monitoring the information" refers to the same information previously recited as "transaction information." Applicant notes that the complete phrase in claim 5 is "monitoring the information exchange," with the *exchange* being the object noun of the verb, *monitoring*. (As there is no antecedent basis for the information exchange, Applicant has amended the phrase to be "monitoring an information exchange." A similar amendment has been made to claim 12.) Applicant submits that claim 5 is not indefinite. The *information exchange* and the *transaction information* are distinctly recited elements of claim 5, and the relationship between those elements is clear from the claim language, "monitoring an information exchange ... to obtain said transaction information." Thus, Applicant submits that the Examiner's rejection of claim 5 under 35 U.S.C. § 112 is traversed.

The Examiner has rejected claim 6, stating that it is unclear whether "said information exchange" is the same information previously stated as "transaction information." Applicant refers the Examiner to the above paragraph for the discussion regarding claim 5. As in claim 5, Applicant submits that there is no indefiniteness between the distinctly recited terms *exchange* and *information*.

The Examiner has rejected claim 7 for lack of an antecedent basis for the phrase "the merchant list of items." Applicant has amended claim 7 to recite "a merchant list of items." The Examiner also states that it is unclear whether the phrase "merchant icons" refers to the previously recited "icons corresponding to said merchants." Applicant has amended claim 7 to recite, "displaying one or more icons corresponding to said merchants" and "selection of at least one of said one or more icons." Applicant submits that claim 7, as amended, satisfies 35 U.S.C. § 112.

The Examiner has rejected claim 13, stating that it is unclear whether "said information exchange" is the same as the previously recited "transaction information." As discussed above with respect to claims 5 and 6, Applicant submits that the distinctly recited elements of the *information exchange* and the *transaction information* are not indefinite, particularly given the recited relationship of those elements within preceding claim 12. Antecedent basis for "said information exchange" is also found in claim 12, as amended.

The Examiner has rejected claim 14 as having insufficient antecedent basis for the phrase, "providing the merchant list of items." Applicant has amended

claim 14 to recite, "providing a merchant list of items." Applicant submits that the Examiner's rejection of claim 14 under 35 U.S.C. § 112 is obviated.

IV. Rejections of Claims 1-14 Under 35 U.S.C. § 102(e) Are Traversed

The Examiner has rejected claims 1-14 under (pre-AIPA) 35 USC 102(e) as being clearly anticipated by U.S. Pat. No. 5,966,697 ("Ferguson"). With respect to independent claims 1 and 8, the Examiner states:

Ferguson discloses a method equivalent to a method for providing secure electronic commerce transactions with multiple merchants (at least Abstract and Fig. 1) comprising:

- Establishing a secure communication link between at least one client computer system and a vendor computer system (at least Abstract and Fig. 1);
- Transmitting transaction information between said client and vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by one or more merchants (at least column 11, line 36 to column 13, line 6);
- Establishing a secure communication link between a client computer system and a vendor computer system (at least Abstract and Fig. 1);
- Transmitting transaction information between said client and said vendor computer systems enabling a user at said client computer system to obtain, via said vendor computer system, items listed in a plurality of merchant computer systems by one or more merchants (at least column 11, line 36 to column 13, line 6).

Applicant respectfully disagrees. A rejection under 35 U.S.C. § 102 requires that the cited reference anticipate every element of the rejected claim. In this instance, Applicant submits that Ferguson fails to anticipate every element of claims 1-14. For example, with respect to independent claims 1 and 8 of the present application, Ferguson fails to anticipate, teach or suggest at least the following elements: "establishing a secure communication link between at least one client computer system and a vendor computer system", through which a user at the client computer system can "select and purchase... items listed in a merchant computer system"; and "transmitting transaction information between said client and vendor computer systems enabling a user at a client computer

system to select and purchase, via said vendor computer system, items listed in a merchant computer system."

Ferguson teaches a method wherein a user selects items listed in a merchant computer system by directly accessing that merchant computer system (i.e., to generate "selection data" representing those items selected by the user; see column 4, lines 14-17; see also column 7, line 62 through column 8, line 9). The user initiates contact with merchant computer systems through a main shopping program on the user computer (see column 9, lines 15-20). When a user has initiated contact with a merchant computer system, the merchant computer system transfers product data (i.e., items listed in a merchant computer system) to the user computer, from which the user can generate "selection data" (see column 8, lines 44-48). To select items listed in another merchant computer system, Ferguson teaches that the user must initiate communication directly with that other merchant computer system (see column 8, lines 13-20).

In Ferguson, a checkout processor implements secured transactions after the client has finished independently shopping at the merchant computer systems, and communication has been transferred to the checkout processor (see column 8, lines 22-27). The checkout processor of Ferguson only has access to selection data generated by the user (i.e., items selected by the user from merchant product data). Merchant product data is transferred only between the merchant computer and the user computer, in a process that is independent of the checkout processor.

In contrast to Ferguson, the invention of claims 1 and 8 permits a user to select and purchase items listed in a merchant computer system, with selection and purchasing

occurring via the vendor computer system. Ferguson teaches away from using a vendor computer system in such a manner by requiring the user to initiate independent sessions with each merchant prior to any involvement of the checkout processor. For at least this reason, Applicant respectfully submits that independent claims 1 and 8 are allowable over the cited reference. Dependent claims 2-7 and 9-14, being dependent upon respective allowable base claims are also allowable for at least the foregoing reasons.



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CONCLUSION

For at least the foregoing reasons, Applicant respectfully submits that pending claims 1-14 are patentably distinct from the prior art of record and in condition for allowance. Applicant therefore respectfully requests that pending claims 1-14 be allowed.

Respectfully submitted,

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IN THE CLAIMS

1. (Amended) A method for providing secure electronic commerce transactions with multiple merchants comprising:

establishing a secure communication link between at least one client computer system and a vendor computer system; and

transmitting transaction information between said client computer system and said vendor computer systems enabling a user at said client computer system to select and purchase, via said vendor computer system, items listed in a merchant computer system by ~~one or more merchants~~ a plurality of merchants.

2. (Amended) The method of claim 1, wherein said transmitting step further comprises:

generating a purchase order for said items ~~to be supplied to said user by said one or more merchants~~, said generating occurring after said user's selection of ~~one or more~~ at least one of said items for purchase from said merchant computer systems via said vendor computer system.

3. (Amended) The method of claim 2, further comprising:

obtaining payment from said user; and

transmitting payment to at least one of said ~~one or more~~ plurality of merchants on behalf of said user.;

Marked – Up Version of the Claims Showing Changes

4. (Amended) The method of claim 3, wherein said payment is obtained by a ~~vendor~~ operator of said vendor computer system.

5. (Amended) The method of claim 2, wherein said step of transmitting transaction information further comprises:

monitoring ~~the~~ an information exchange between said client computer system and said merchant computer system at said vendor computer system to obtain said transaction information.

6. (Amended) The method of claim 5, further comprising:

modifying responses from said merchant computer system to said client computer system at said vendor computer system to route at least a portion of said information exchange through said vendor computer system.

7. (Amended) The method of claim 1, wherein said step of transmitting transaction information further comprises:

displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection; and

providing ~~the said merchant list of items listed in from~~ said merchant computer system to said user at said client computer system via said vendor computer system, upon said user selection of at least one of said one or more icons, ~~a merchant icon~~;

8. (Amended) A method for performing secure electronic commerce with multiple merchants comprising:

establishing a secure communication link between a client computer system and a vendor computer system; and

transmitting transaction information between said client computer system and said vendor computer systems enabling a user at said client computer system to obtain, via said vendor computer system, items listed in a plurality of merchant computer systems by one or more merchants.

9. (Amended) The method of claim 8, further comprising:

generating a purchase order for ~~the selected~~ said items ~~to be supplied to said user~~  
~~by said one or more merchants.~~

12. (Amended) The method of claim 9, wherein said vendor computer system is further configured to perform the steps of:

monitoring ~~the~~ an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information.

13. The method of claim 12, further comprising:

modifying responses from at least one of said plurality of merchant computer systems to said client computer system at said vendor computer system to route at least a portion of said information exchange through said vendor computer system.

14. (Amended) The method of claim 8, further comprising:

displaying a merchant icon associated with at least one of said one or more at said merchants at said client computer system for ~~user~~ selection by said user; and

upon ~~user~~ said selection by said user of said merchant icon, providing ~~the a~~ merchant list of items from at least one of said plurality of merchant computer systems to said user at said client computer system via said vendor computer system.